

JONES WALDO HOLBROOK & McDONOUGH PC  
ATTORNEYS AND COUNSELORS  
126 YEARS OF SERVICE

DOCKET FILE COPY ORIGINAL

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December 21, 2001

Via Fax: (202) 418-2970 and Federal Express

Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S. W.  
Washington, D.C. 20554

RECEIVED  
DEC 26 2001  
FCC MAIL ROOM

Dear Ms. Salas:

*Re: Docket No. WT-01-287*

It has come to my attention that the Motion for Waiver of Hearing Fees filed by Great Western Aviation, Inc. with your office on December 20, 2001, refers on page 3 to two attached orders issued by Chief Administrative Law Judge Richard L. Sippel. These orders were, in fact, inadvertently not attached to the filing.

Enclosed for filing are an original and 14 copies of the Filing of Inadvertently Omitted Material which include the two orders in question. Please add them to the original and 14 copies that were filed on December 20. I apologize for any inconvenience that this oversight has caused.

Also enclosed for filing are 7 copies of a letter written by my colleague, Jeffrey W. Shields, requesting an extension of time from Chief Judge Richard L. Sippel in the referenced proceeding. (In view of the need for expedited response, the original was submitted to Judge Sippel.)

Yours very truly,

JONES, WALDO, HOLBROOK & McDONOUGH

  
Gary G. Sackett

Enclosures

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No. of Copies rec'd 0114  
List ABCDE

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Inadvertently, the two orders were not included in the December 20 filing. Pursuant to the suggestion of the office of the Secretary, Great Western submits copies of the two missing orders for filing, to be considered in connection with its December 20 Motion.

RESPECTFULLY SUBMITTED this 21<sup>st</sup> day of December 2001.

JONES, WALDO, HOLBROOK & McDONOUGH

By:

  
\_\_\_\_\_  
Gary G. Sackett  
*Attorney for Great Western Aviation, Inc.*


**CERTIFICATE OF SERVICE**

I certify that, on the 21<sup>st</sup> day of December 2001, I sent by first-class mail, postage prepaid, or caused to be delivered a correct copy of the foregoing FILING OF INADVERTENTLY OMITTED MATERIAL to the following:

Hon. Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

L. Brent Hoggan  
OLSON & HOGGAN, PC  
P.O. Box 525  
Logan, Utah 84323

James Shook  
Federal Communications Commission, Office 3A463  
445 12th Street, S.W.  
Washington, D.C. 20554

  
\_\_\_\_\_

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

FCC 01M-71  
00882

In re Applications of	)	WT DOCKET NO. 01-287
	)	
GREAT WESTERN AVIATION, INC.	)	File No. 987931
	)	
For Renewal of Aeronautical Advisory	)	
Station KQA7, Logan-Cache Airport,	)	
Logan, Utah	)	
	)	
and	)	
	)	
UTAH JET CENTER, LLC	)	File No. 845177
	)	
For a New Aeronautical Advisory Station	)	
at Logan-Cache Airport, Logan, Utah	)	

**ORDER**

Issued: December 12, 2001      Released: December 14, 2001

By Order FCC 01M-64, released December 5, 2001, the parties were directed to submit by December 13, 2001, proof of service of a request to the Managing Director for a waiver and/or reduction and/or refund of their respective hearing fees. On December 11, 2001, counsel for renewal applicant Great Western Aviation, Inc. ("Great Western") advised by letter that there has been a death in counsel's family and that funeral arrangements are underway. A reasonable request is made by Great Western to defer the filing of the request to the Managing Director until December 20, 2001. There is no objection interposed by the competing Utah Jet Center, LLC ("Jet Center") or by the Enforcement Bureau.

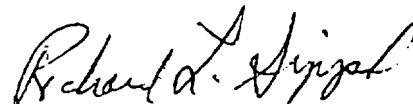
There has been a showing of good cause for a week's extension in filing and the requested relief will be granted. However, the parties should realize that the more delay there is in requesting equitable relief the lesser the chances become of it being granted. Therefore, the parties should not seek any further delay.

In view of the low economic value apparently being ascribed by the parties to the unicom license in issue, it would appear to be in the public's interest, as well as the parties' interests, to settle this case while the request is pending with the Managing Director with respect to waiver of hearing fees.

Accordingly, IT IS ORDERED that the parties shall SUBMIT to the Managing Director by **December 20, 2001**, the question of hearing fees.<sup>1</sup>

IT IS FURTHER ORDERED that the parties SHALL FILE AND SUBMIT to the undersigned Presiding Judge by **January 18, 2002**, a Status Report on the request for hearing fees waivers and on settlement.

FEDERAL COMMUNICATIONS COMMISSION<sup>2</sup>



Richard L. Sippel  
Administrative Law Judge

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<sup>1</sup> Procedures established in Order FCC 01M-64 fn. 3 shall also pertain with respect to the directives in this Order. Great Western also must assure that appropriate copies of the letter dated December 11, 2001, are filed with the Commission Secretary. Future requests for relief should be made through pleadings prepared, filed and served under the Commission's rules. See 47 C.F.R. §1.44 (separate pleadings); §1.46 (extensions of times); §1.47 (service of documents and proof of services); §1.49 (pleadings specifications); §1.51 (number of copies). Counsel should familiarize themselves with these rules and with the Rules of Hearing Proceedings, 47 C.F.R. §1.201 et seq.

<sup>2</sup> Copies of this Order were e-mailed or faxed to each counsel on the date of issuance. Counsel are to continue sending courtesy copies to the Presiding Judge by fax (202-418-0195).

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

FCC 01M-64  
00842

In re Applications of	)	WT DOCKET NO. 01-287
	)	
GREAT WESTERN AVIATION, INC.	)	File No. 987931
	)	
For Renewal of Aeronautical Advisory	)	
Station KQA7, Logan-Cache Airport,	)	
Logan, Utah	)	
	)	
and	)	
	)	
UTAH JET CENTER, LLC	)	File No. 845177
	)	
For a New Aeronautical Advisory Station	)	
at Logan-Cache Airport, Logan, Utah	)	

Jones, Waldo, Holbrook  
& McDonough, P.C.  
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DEC 14 2001

**ORDER**

Issued: December 3, 2001      Released: December 5, 2001

This case was set for a Prehearing Conference to be held on December 4, 2001. See Order FCC 01M-287, released November 6, 2001. To determine the status of the parties, an informal telephone conference was held on December 3, 2001, to obtain information on the procedural status of this case and to determine the intentions of the parties to participate in a hearing.

It appears that Hearing Designation Order DA 01-2365, released October 12, 2001 ("HDO"), was mailed to the parties on November 1, 2001. The HDO was received by the parties on November 7, 2001.<sup>1</sup>

Great Western Aviation, Inc. ("Great Western") advised through its counsel that Great Western made its own determination that the prescribed hearing fee in the amount of \$9,020.00, and the expense of counsel and witnesses traveling to Washington, D.C. were not economically justified in view of the limited value of a unicom license. As a result, Great Western has filed neither a Notice of Appearance, as required by the HDO. Nor has Great Western paid the prescribed hearing fee.

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<sup>1</sup> These dates of November 1 and 7, 2001, shall be operable dates for the duration of this hearing. The parties provided the dates to the Presiding Judge and these dates appear to be reliable based on such representations.

Utah Jet Center, Inc. ("Jet Center") represents through its counsel that it has paid the hearing fee in the amount of \$9,020.00. 47 C.F.R. §1.1104(2)(j). Jet Center also faxed a copy of a Notice of Appearance to the undersigned Presiding Judge that is dated November 29, 2001. The Notice of Appearance was to be filed within 20 days of the mailing of the HDO. Based on the operative dates, Jet Center's Notice of Appearance was not timely filed. Nor was it properly filed with the Commission.

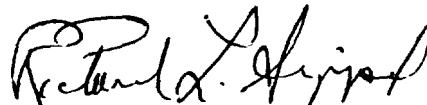
It was requested by counsel for Great Western, joined in by Jet Center, that the question of a hearing fee be submitted to the Managing Director for a determination of reasonableness and/or a request for waiver. In view of a question of first impression raised by Great Western as to the "economics" of a comparative hearing for a unicom license, the parties shall be permitted to submit the question of a hearing fee to the Managing Director for considerations of waiver.<sup>2</sup> A Joint Petition would seem appropriate under the circumstances.

Accordingly, IT IS ORDERED that the Prehearing Conference set for December 4, 2001, IS CANCELLED, until further notice.

IT IS FURTHER ORDERED that the question of the amount of a hearing fee for this a comparative hearing for a unicom license **MUST BE SUBMITTED** to the Managing Director by **December 13, 2001**, or the waiver of hearing fee or failure to pay a fee may be determined by default.<sup>3</sup>

IT IS FURTHER ORDERED that the hearing **SHALL BE HELD IN ABEYANCE** for a reasonable period of time, pending the determination on hearing fee by the Managing Director.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION<sup>5</sup>



Richard L. Sippel  
Administrative Law Judge

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<sup>2</sup> See 47 C.F.R. §1.1117(a) (fees may be waived in special circumstances) and §1.1117(c) (petitions for waiver will be acted upon by Managing Director).

<sup>3</sup> Counsel must certify in a Certificate of Service the delivery to a courier for delivery or proof that overnight services was effected on December 13, 2001, or earlier.

<sup>4</sup> The parties should **SETTLE THIS PROCEEDING** in view of the expected costs of litigation and the low economic value of the license.

<sup>5</sup> Copies of this Order were e-mailed or faxed to each counsel on the date of issuance. Courtesy copies of petitions to the Managing Director should be sent to the Presiding Judge by fax (202-418-0195).